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Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES C. BUTCHER,

Plaintiff,

v.

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

) No. 2:20-CV-00875-BNW

)

) **STIPULATION FOR THE AWARD AND**
) **PAYMENT OF ATTORNEY FEES AND**
) **EXPENSES PURSUANT TO THE EQUAL**
) **ACCESS TO JUSTICE ACT, 28 U.S.C. §**
) **2412(d)**

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IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of FIVE THOUSAND NINE HUNDRED DOLLARS (\$5,900.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the

1 assignment will depend on whether the fees are subject to any offset allowed under the United
2 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
3 the government will determine whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to counsel, pursuant to the assignment
7 executed by Plaintiff. Any payments made shall be delivered to counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees, and does not constitute an admission of liability on the part of Defendant under
10 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
11 from, and bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may
12 have relating to EAJA attorney fees in connection with this action.

13 This award is without prejudice to the rights of [counsel] and/or [counsel's firm] to
14 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
15 provisions of the EAJA.

16 Respectfully submitted,

17 Dated: July 1, 2021

18 OLINSKY LAW GROUP

19 By: /s/ Hal Taylor, Esq.*
20 Of Counsel, Olinsky Law Group
21 * By email authorization on July 1, 2021
22 Attorney for Plaintiff

23 Dated: July 1, 2021

24 CHRISTOPHER CHIOU
25 Acting United States Attorney
26 United States Attorney
27 GERALYN GULSETH
28 Special Assistant United States Attorney

By: /s/ GERALYN GULSETH
GERALYN GULSETH
Special Assistant United States Attorney

Order

IT IS ORDERED that the parties' stipulation (ECF No. 31) is GRANTED.

IT IS FURTHER ORDERED that ECF No. 30 is DENIED as moot.

IT IS SO ORDERED

DATED: 6:49 pm, July 06, 2021



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**